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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of

**SPEAR et al.**

Group Art Unit: Unknown

Appln. No.: 08/982,694

Examiner: Unknown

Filed: December 2, 1997

FOR: PORTABLE STACKABLE HOSE CART ASSEMBLY  
[M# 243755, DKT NO. 51]

\* \* \* \* \*

February 23, 1998

**PETITION TO MAKE SPECIAL UNDER**  
**37 CFR §1.102 AND M.P.E.P. §708.02, VIII**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Applicants hereby petition to make the above-identified application special under the procedures set forth in Subsection VIII of M.P.E.P. 708.02. The Petition fee as set forth in 37 CFR 1.17(i) is filed herewith.

The claims of the present application include one independent claim and 22 dependent claims. Two embodiments are disclosed in the present application. Specifically, the present application discloses a first embodiment, illustrated in Figs. 1-11, and a second embodiment, illustrated in Figs. 12-21. Claims 1-8, 11, and 12 are generic to both embodiments. Claims 9 and 10 read on the first embodiment and claims 13-23 read on the second embodiment. The applicants provisionally elect the claims which read on the second embodiment, in particular

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claims 1-8 and 11-23. If the Examiner requires that a further election be made, Applicants will make an election without traverse.

Filed with this Petition is a statement that a pre-examination search was made. The statement indicates the scope of the search. Also attached is a Form PTO-1449 listing references developed in the search, and a copy of each of the listed references is filed herewith.

A detailed discussion which points out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is distinguishable over the references deemed most closely related to the subject matter of the claims is part of the statement.

It is respectfully submitted that the present Petition taken with the attachments enumerated above is sufficient to comply with the requirements of 37 CFR 1.102 and specifically the provisions of M.P.E.P. 708.02, Subsection VIII.

Accordingly, a granting of the present Petition and an advancement of the examination of this application is respectfully requested.

Respectfully submitted,

CUSHMAN DARBY & CUSHMAN  
INTELLECTUAL PROPERTY GROUP OF  
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By \_\_\_\_\_



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